

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

IN RE:

JOSEPH JOHN KUBALA, III

and

ERIN COLLEEN KUBALA

Debtor

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Case No. 19-40292

Chapter 13

ORDER MODIFYING CONFIRMED CHAPTER 13 PLAN
AND GRANTING ADDITIONAL AWARD OF ATTORNEY'S FEES

ON THIS DATE the Court considered the Motion to Modify Confirmed Chapter 13 Plan (the "Modification Motion") filed on July 1, 2020 by the Debtors, Joseph John Kubala, III and Erin Colleen Kubala (the "Debtors"). The Modification Motion seeks to modify the terms of the confirmed Chapter 13 plan [dkt #21] in the above-referenced case (the "Confirmed Chapter 13 Plan"). The Court finds that the Modification Motion was properly served pursuant to the Federal and Local Rules of Bankruptcy Procedure and that it contained the appropriate twenty-eight (28)-day negative notice language, pursuant to LBR 3015(h), which directed any party opposed to the granting of the relief sought by the Modification Motion to file a written response within 28 days or the Modification Motion would be deemed by the Court to be unopposed. The Court finds that no objection or other written response to the Modification Motion has been timely filed by any party. Due to the failure of any party to file a timely written response, the proposed plan modifications, together with any allegations contained in the Motion regarding the propriety of those plan modifications or the fulfillment of the requirements set forth in § 1329 of the Bankruptcy Code, stand unopposed. Therefore, the Court finds that just cause exists for the entry of the following order.

IT IS THEREFORE ORDERED that the Motion to Modify Confirmed Chapter 13 Plan filed on July 1, 2020 by the Debtors, Joseph John Kubala, III and Erin Colleen Kubala, is hereby **GRANTED**, the Confirmed Chapter 13 Plan is hereby **MODIFIED** in accordance with the provisions set forth in the Modification Motion, as amended by this Order, and the Chapter 13 Trustee shall adjust his distributions accordingly.

IT IS FURTHER ORDERED that all provisions of the Confirmed Chapter 13 Plan not addressed by the Modification Motion or this Order remain in full force and effect.

IT IS FURTHER ORDERED that the request for an additional award of attorney's fees, as contained in ¶ 5 of the Modification Motion, is **GRANTED** and that The Mitchell Law Firm, L.P., is awarded the sum of \$650.00 which shall be in addition to any other fees previously awarded or paid in this case.